

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 4:04-cr-40002-NMG
)	
)	
JOSEPH DiFLUMERA)	
)	

**DEFENDANT'S MOTION FOR AN ORDER AUTHORIZING
PREPARATION OF A PRE-PLEA PRESENTENCE REPORT**

Defendant Joseph DiFlumera, by and through his attorney, hereby moves the Court for an order authorizing the preparation of a Presentence Report (PSR) prior to DiFlumera's tender of a guilty plea. In support of this motion, DiFlumera states as follows:

1. This motion is assented to by Assistant U.S. Attorney Laura Kaplan on behalf of the Government.
2. DiFlumera has already reached and signed a written plea agreement with the Government in this case.
3. Because of the state of the law, there is a substantial likelihood that DiFlumera, who is currently on release, will be taken into custody upon the tender of a guilty plea.
4. DiFlumera is seventy (70) years of age and in very poor health.
5. DiFlumera hereby provides his written consent, as required by Fed. R. Crim. P. 32(e)(1), for the Probation Office to submit a PSR to the Court, and to disclose it

in due course as required by the Federal Rules of Criminal Procedure, prior to DiFlumera's plea of guilty.

WHEREFORE, DiFlumera respectfully requests that this motion be allowed.

By his attorney,

/s/ Paul V. Kelly
Paul V. Kelly
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February 25, 2004